



IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:

JURY SERVICE

APRIL 30, 2012

§ MISC. NUMBER 4:12-mc-008-BJ
§
§ RE: Charles D. Brown
§ Virginia Dodson
§ Wendy Ezell
§ Shannon Landry
§ Tracy Larkin
§ Mark Lewandowski
§ Bryan McDaniels
§ Donald Ray Purvis
§ John Shearer
§ Adrian Firestar Vanpham

**FINDINGS, CONCLUSIONS AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE
AND
NOTICE AND ORDER**

The above-named individuals were summoned by the Court to appear for jury duty at the United States Courthouse, 501 W. 10th Street, Fort Worth, Texas, for Monday, April 30, 2012 and the above-named individuals failed to appear as directed. By Order signed May 3, 2012, by United States District Judge Terry R. Means in *Amy Silvey, et al. V. Cessna Aircraft Company, Inc. et al.*, Cause No. 4:06-CV-155-Y, this matter was referred to the undersigned to conduct any necessary proceedings under 18 U.S.C. § 1866(g) and issue proposed findings and recommendations. After conducting a show cause hearing this same date, the undersigned submits the following findings and recommendations:

As to Jurors **Virginia Dodson, Wendy Ezell, Tracy Larkin, Mark Lewandowski, and John Shearer**, each of these individuals appeared before the Court and showed good cause for their failure to appear for jury service for the reasons stated on the record and the undersigned recommends that no further action other than having the Clerk issue summons for each of these individuals for jury service in a future jury pool.

As to Jurors **Charles D. Brown, Shannon Landry, Donald Ray Purvis, and Adrian Firestar Vanpham**, each of these individuals appeared before the Court and failed to show good cause for their failure to appear for jury service and the undersigned **recommends that a fine of \$100 be imposed as to each of these individuals to be paid no later than thirty (30) days from the date of this Order** as well as having the Clerk issue summons for each of these individuals for jury service in a future jury pool. Payments shall be made to "U.S. District Clerk", 501 W. 10th Street, Room 310, Fort Worth, Texas 76102 and reference the above-styled and numbered cause.

Finally, as to Juror **Bryan McDaniel**, this individual failed to appear before the Court this same date and the certified receipt for the mail service to Mr. McDaniel of the Order to Show Cause has not been returned as of this date. The undersigned has requested the Clerk's office to take appropriate steps to locate Mr. McDaniel for further service of summons and/or appropriate action to be taken by this Court.

**NOTICE OF RIGHT TO OBJECT TO PROPOSED
FINDINGS, CONCLUSIONS AND RECOMMENDATION AND CONSEQUENCES OF
FAILURE TO OBJECT**

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge's

proposed findings, conclusions and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a *de novo* determination of those portions of the United States Magistrate Judge's proposed findings, conclusions and recommendation to which specific objection is timely made. See 28 U.S.C. § 636(b)(1). Failure to file by the date stated above a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. See *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996)(en banc).

ORDER

Under 28 U.S.C. § 636, it is hereby **ORDERED** that each party is granted until **June 4, 2012** to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions and recommendation. **The Clerk of the Northern District of Texas is directed to serve this Order on each of the above-named individuals at the address of record for each individual.**

It is further **ORDERED** that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions and recommendation, be and hereby is transferred to the docket of United States District Judge Terry R. Means.

DATED: May 15, 2012.



JEFFREY L. CURETON
UNITED STATES MAGISTRATE JUDGE